

### **REMARKS/ARUGMENTS**

Upon entry of this reply, claims 1-8, 10-18 and 20-25 will remain pending. Claim 1 is the sole independent claim.

Reconsideration and allowance of the application are respectfully requested.

#### **Discussion of Telephone Interview**

Applicants express appreciation for the courtesies extended by the Examiner during a July 18, 2005 telephone interview with Applicant's representative Arnold Turk.

During the telephone interview, the new matter rejection of claim 8 and the enablement rejection of claims 1-8, 10-18 and 20-25 were discussed. Regarding the new matter rejection, the Examiner was referred to the location in the specification that contains the language included in claim 8, and the Examiner indicated that this ground of rejection would be withdrawn.

Regarding the enablement rejection, the Examiner was referred to Applicant's arguments filed in the Amendment Under 37 C.F.R. 1.112, filed January 10, 2005, including portions of the specification discussing various portions of Applicant's oral formulation. It was also argued that the enablement rejection essentially was improperly indicating that the product recited in Applicants' claims is different than the prior art and is therefore not enabled. It was argued that Applicant has provided a description of his invention and the invention is enabled absent sound technical reasoning set forth in a rejection.

The Examiner indicated that the enablement rejection would also be withdrawn.

However, the Examiner indicated that a further search will be made of the prior art, and a new rejection based upon prior art may be made depending upon the results of the further search. The Examiner indicated that she would contact Applicant's representative if a new rejection was being considered in order to discuss the possible rejection in order that prosecution of the application can be advanced.

**Response To Rejection Under 35 U.S.C. 112, First Paragraph, Written Description Rejection**

Claim 8 is rejected under 35 U.S.C. 112, first paragraph, as the rejection asserts that the claim fails to comply with the written description requirement. The rejection is apparently asserting that the specification does not support a mixture of water-insoluble polymer and wax.

In response and in contrast to the assertion in the rejection, Applicant's originally filed specification, at page 11, lines 9 and 10, explicitly discloses "made of a water-insoluble polymer, a wax, or a mixture thereof."

Accordingly, this ground of rejection is without appropriate basis and should be withdrawn.

**Response To 35 U.S.C. 112, First Paragraph, Enablement Rejection**

Claims 1-8, 10-18 and 20-25 are rejected under 35 U.S.C. 112, first paragraph, because the rejection asserts that the claims fail to comply with the enablement requirement.

Applicant notes that this rejection was made in the previous Office Action and

responded to in Applicant's previously filed response. The Examiner is responding to Applicant's arguments beginning at the middle of page 4 of the Office Action, with the Examiner's remarks apparently indicating that the claims are enabled, and then asserting that the claims are not enabled. It also appears that the remarks contend that the claims are not enabled because the claimed subject matter is not disclosed in the prior art.

In response, Applicant respectfully submits that the rejection does not clearly state what the Examiner considers to be non-enabled, and for at least the reasons set forth in the Amendment Under 37 C.F.R. 1.112, filed January 10, 2005, the enablement rejection is without appropriate basis and should be withdrawn. For the sake of brevity and based upon the fact that these previous arguments have presently persuaded the Examiner to withdraw the rejection, Applicant is not repeating the arguments but refer the Examiner to the Amendment Under 37 C.F.R. 1.112 which is incorporated by reference herein.

Applicant respectfully submits that sufficient guidance has been presented in the application so that one having ordinary skill in the art can practice Applicant's invention without undue experimentation. In particular, Applicant's have provided a thorough disclosure of formulations according to Applicant's invention, and one having ordinary skill in the art can practice Applicant's disclosed and claimed invention without undue experimentation.

Applicant respectfully submits that the burden of showing lack of enablement is on the Patent and Trademark Office. Under the present circumstances, Applicant's claims are enabling, whereby the rejection of record should be withdrawn.

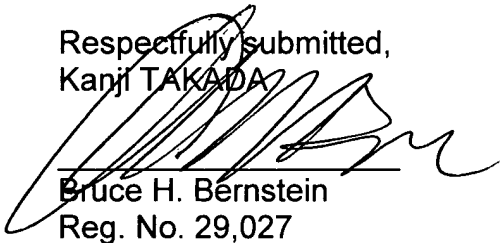
**CONCLUSION**

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections of record, and allow each of the pending claims.

Applicant therefore respectfully requests that an early indication of allowance of the application be indicated by the mailing of the Notices of Allowance and Allowability.

Should the Examiner have any questions regarding this application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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